

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

O'REILLY AUTOMOTIVE STORES, INC., )  
d/b/a O'REILLY AUTO PARTS, )  
                                       )  
Plaintiff, )  
                                       )  
v.                                 )                                  Case No. 20-cv-03246-SRB  
                                       )  
CARPAR PROPERTY I, LLC, )  
                                       )  
Defendant. )

**ORDER**

In an Order dated October 5, 2020, the Court granted Plaintiff O'Reilly Automotive Stores, Inc., d/b/a O'Reilly Auto Parts' ("O'Reilly Stores") Motion for Temporary Restraining Order. (Doc. #30.) The Court subsequently set a preliminary injunction hearing for October 20, 2020. On October 20, 2020, the Court presided over the preliminary injunction hearing. O'Reilly Stores and Defendant CarPar Property I, LLC ("CarPar") appeared through counsel, and presented arguments, testimony, and evidence in support of their respective positions.

At the conclusion of the preliminary injunction hearing, and after weighing the applicable factors, the Court granted O'Reilly's request for a preliminary injunction. *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981) (en banc); *see also S.B. McLaughlin & Co. v. Tudor Oaks Condo. Project*, 877 F.2d 707, 708 (8th Cir. 1989). In particular, the Court finds that a preliminary injunction is warranted for substantially the same reasons as those set forth in the Court's temporary restraining order.

Accordingly, Plaintiff's Motion for Preliminary Injunction (Doc. #22) is GRANTED. The temporary restraining order previously entered by the Court is now converted into a preliminary injunction as follows:

Defendant CarPar Property I, LLC, and all officers, agents, servants, employees, and attorneys of CarPar, or other persons who are in active concert or participation with any such person who receives actual notice hereof, are preliminarily enjoined from taking any action to evict or otherwise interfere with Plaintiff O'Reilly Stores, Inc.'s possession of the premises described in Exhibit A hereto, including but not limited to the filing of any lawsuit with the object or purpose of accomplishing such eviction or interference, based in whole or in part on CarPar's allegation or assertion that O'Reilly Stores has breached the Lease between the parties by failure to comply with Sections 8.A, 33, and/or 26.B. of the Lease.

IT IS FURTHER ORDERED that the \$700,000 surety bond submitted by O'Reilly Stores pursuant to the temporary restraining order is more than adequate to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. No further security is required.

IT IS FURTHER ORDERED that this Order shall take effect immediately and, absent further Order of this Court, shall remain in effect through entry of final judgment in this case.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2020